



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7**

11201 Renner Boulevard
Lenexa, Kansas 66219

MAR 23 2018

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Ms. Laura Mills, Esq.
Mills, Mills, Fiely & Lucas
101 Central Plaza South
Canton, Ohio 44702

RE: US Technology Corporation
Response to Modifications to Spent Blast Media Treatment
and Disposal Work Plan
W&B of Franklin County (formerly Missouri Green Materials, LLC)
7627 Zero Road, Berger, Missouri

Dear Ms. Mills:

On March 9, 2018, you emailed an unsigned document transcribing comments from Mr. Ray Williams regarding the U.S. Environmental Protection Agency's Approval with Comments Letter dated February 15, 2018. The response provided is wholly insufficient. EPA has made extensive efforts to keep this project moving forward, including the preparation of a site-specific Quality Assurance Project Plan, yet Mr. Williams and UST continue to provide inadequate submissions. EPA requested that your client fulfil its obligation to adequately and properly identify underlying hazardous constituents and to provide an approvable, updated work plan. Neither of those requests have been completed. Additionally, the site continues to remain unsecured and spilled material has not been cleaned up as agreed to in the Amended Consent Agreement and Final Order.

EPA is providing Mr. Williams and UST one final opportunity to comply with the CAFO, and provide a thorough and well developed submission. If a thorough and well developed submission is not made within the next ten (10) calendar days, EPA will begin exploring other options, including the possibility of referring the matter for cleanup under other authority. If resources under other authorities are expended to cleanup this site, your client may be liable for response costs.

Specific issues identified as part of Mr. Williams' transcribed response include:

1. The first comment indicated the EPA letter would be added to the "Oxford Work Plan". EPA Region 7 is not familiar with that work plan. Please clarify that the letter is added to the Spent Blast Media Treatment and Disposal Work Plan W&B of Franklin County.
2. The Consent Agreement and Final Order, Approval with Comments Letter, and multiple emails required identification of *all* underlying hazardous constituents reasonably expected to be present at the point of generation. A basis has not been provided for the identification of chrome, cadmium, and lead as the underlying hazardous constituents. The basis for the determination shall include supporting documentation, and can be accomplished through documented process



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knowledge (which may include knowledge of the raw materials used, the process, and potential reaction products) or through sampling. This determination must be in compliance with 40 C.F.R. §§ 268.40 and 268.48.

3. Please note that with regard to Land Disposal Restrictions, the sampling must “meet” LDRs, not “meet or exceed”.
4. The RCRA Subtitle D landfill that will be accepting the treated waste shall be identified within 20 days of receipt of this letter. Correspondence indicating this has been completed shall be provided to EPA.

In order to approve the Work Plan, EPA must receive an updated version incorporating the comments in Approval with Comments Letter, dated February 15, 2018 (with clarifications set forth herein). This shall be accomplished by sending ‘slip sheets’ for modified pages or submitting an entirely new copy of the Work Plan.

Documentation shall also be provided that shows the site has been secured and spilled material has been cleaned up.

Finally, EPA is requesting a written assurance that Mr. Williams and UST will be prepared to begin the work within ten (10) days of EPAs approval of the work plan and/or finalization of the QAPP, whichever is later.

Please provide the requested documentation, in writing, under Mr. Williams’ signature, within ten (10) calendar days of your receipt of this letter.

If you have any questions, please contact me by phone at (913) 551-7754 or by email at goetz.mary@epa.gov.

Sincerely,



Mary Goetz
Branch Chief
Waste Enforcement and Pollution Prevention Branch
Air and Waste Management Division

cc: Ray Williams, US Technology Corporation (via certified mail)
Rick Roberts, Gredell Engineering (via first class mail)
Travis Doll, Gredell Engineering (via first class mail)
Kathy Flippin, Missouri Department of Natural Resources (via email)
Beth Koesterer, WEMM (via email)
Kelley Catlin, EPA CNSL (via email)

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**Ms. Laura Mills, Esq.
Mills, Mills, Fiely & Lucas
101 Central Plaza South
Canton, OH 47702**

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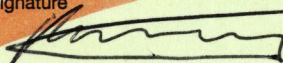
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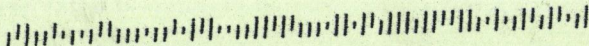
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Region 7

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MAR 23 2018

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Ms. Laura Mills, Esq.

Street, Apt. No.;
or PO Box No.

Mills, Mills, Fiely & Lucas

City, State, ZIP+4

101 Central Plaza South

Canton, OH 47702

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